

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NICHOLAS SELBE, DANIEL GHYCZY,
MAKAELA O'CONNELL, and ANNIYA
LOUIS on behalf of themselves and others
similarly situated,

Plaintiffs,

v.

PEAK CAMPUS MANAGEMENT, LLC,

Defendant.

Case No. 3:14-cv-3238-MMC
ORDER APPROVING
**JOINT STIPULATION TO CANCEL
CASE MANAGEMENT CONFERENCE
AND CASE STATUS REPORT**

Date: ~~December 18, 2015~~

Time: ~~10:30 a.m.~~

Judge: Hon. Maxine M. Chesney

Location: Courtroom 7 (Telephonic)

Complaint filed: July 17, 2014

Trial date: Not set

Plaintiffs Nicholas Selbe, Daniel Ghyczy, Makaela O'Connell, and Anniya Louis (“Plaintiffs”), and Defendant Peak Campus Management, LLC (“Defendant”) (collectively, the “Parties”), by and through their respective counsel, submit this Joint Stipulation to Cancel Case Management Conference and Case Status Report.

BACKGROUND

The original Complaint in this matter was filed on July 17, 2014. The Complaint alleges violations of the Fair Labor Standards Act (FLSA) as well as California state wage and hour law. The Defendant, Peak Campus Management, LLC, manages apartments that are intended for and marketed as housing for college and university students. The Plaintiffs were employed at these properties managed by the Defendant in a position called an “All-Star.” For a specified number of hours worked, All-Stars were compensated through the provision of lodging. The Complaint alleges that pursuant to the FLSA, this lodging cannot be credited towards the payment of minimum wages at all and that under California wage and hour law, if the lodging may be credited at all, the permissible maximum is substantially less than the credit taken by the Defendant. The Defendant has denied that its employment or pay practices violated either the FLSA or California state wage and hour law.

1 On January 21, 2015, the Court conditionally certified this action as an FLSA collective
2 action (the "Consent Order"). The Consent Order approved the notice plan agreed upon by the
3 parties. Through the notice plan and opt-in process, 165 people filed a Consent to Join Collective
4 Action form to join the FLSA portion of the lawsuit as opt-in plaintiffs. An additional number of
5 people are putative plaintiffs pursuant to the California state law portion of the lawsuit resulting
6 in a total class size of approximately 204 class members.

7 On July 30, 2015, the Parties attended a full day private mediation session in Los Angeles,
8 California with experienced wage and hour mediator Michael E. Dickstein, Esq. at which the
9 Parties agreed to a settlement of this case. At the conclusion of mediation, the Parties entered into
10 a Memorandum of Understanding, which, subject to Court approval, is intended to be a full and
11 final resolution of this case.

12 CASE STATUS

13 The Parties have now entered into a formal settlement agreement, and on
14 November 20, 2015, Plaintiffs filed an unopposed Motion for Preliminary Approval of Class and
15 Collective Action Settlement. That motion is scheduled to be heard at 9:00 a.m. on
16 December 18, 2015, the same day on which a Case Management Conference is scheduled for
17 10:30 a.m. Given the pendency of the motion for preliminary approval and the hearing set for
18 December 18, 2015 at 9:00 a.m., the Parties submit that there is no need for a Case Management
19 Conference on December 18, 2015. As such, the Parties respectfully request that the
20 Case Management Conference scheduled for December 18, 2015 at 10:30 a.m. be cancelled.

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1 Dated: December 11, 2015

KINGSLEY & KINGSLEY

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3 /s/ Eric B. Kingsley
ERIC B. KINGSLEY
LIANE KATZENSTEIN LY
4 Attorneys for Plaintiffs
NICHOLAS SELBE, DANIEL GHYCZY,
5 MAKAELO O'CONNELL, AND ANNIYA
LOUIS

7 Dated: December 11, 2015

DAVID, KAMP & FRANK, L.L.C.

8
9 /s/ Joshua M. David
JOSHUA M. DAVID
NICHOLAS A. NUNES
10 Attorneys for Plaintiffs
NICHOLAS SELBE, DANIEL GHYCZY,
11 MAKAELO O'CONNELL, AND ANNIYA
LOUIS

12 Dated: December 11, 2015

LITTLER MENDELSON, P.C.

13
14 /s/ Elizabeth Staggs Wilson
ELIZABETH STAGGS WILSON
15 FATEMEH MASHOUF
LITTLER MENDELSON, P.C.
16 Attorneys for Defendant
PEAK CAMPUS MANAGEMENT, LLC

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18 I, Joshua M. David, am the ECF User whose identification and password are being used to
19 file this Joint Stipulation and Case Status Report. In compliance with Local Rule 5-1(i)(3),
20 I hereby attest that all signatories hereto concurred in and authorized this filing.

21 By: /s/ Joshua M. David



Dated: December 15, 2015